

(2) by inserting after subsection (b) the following:

“(C) CONDITIONS OF RECEIPT.—

“(1) REQUIRED AGREEMENT.—A covered entity to which the Secretary awards Federal financial assistance under this section shall enter into an agreement that specifies that, during the 5-year period immediately following the award of the Federal financial assistance—

“(A) the covered entity will not—

“(i) repurchase an equity security that is listed on a national securities exchange of the covered entity or any parent company of the covered entity, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this subsection;

“(ii) outsource or offshore jobs to a location outside of the United States; or

“(iii) abrogate existing collective bargaining agreements; and

“(B) the covered entity will remain neutral in any union organizing effort.

“(2) FINANCIAL PROTECTION OF GOVERNMENT.—

“(A) IN GENERAL.—The Secretary may not award Federal financial assistance to a covered entity under this section, unless—

“(i) (I) the covered entity has issued securities that are traded on a national securities exchange; and

“(II) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

“(ii) in the case of any covered entity other than a covered entity described in clause (i), the Secretary of the Treasury receives, in the discretion of the Secretary of the Treasury—

“(I) a warrant or equity interest in the covered entity; or

“(II) a senior debt instrument issued by the covered entity.

“(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary and shall meet the following requirements:

“(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary of Commerce, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

“(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subparagraph. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this subparagraph.

“(iii) SUFFICIENCY.—If the Secretary determines that a covered entity cannot feasibly issue warrants or other equity interests as required by this subparagraph, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary determines appropriate.”.

SA 4723. Mr. DAINES (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____, CONGRESSIONAL GOLD MEDAL.

(a) FINDINGS.—Congress finds the following:

(1) At 9:44 a.m., on August 26, 2021, the Pentagon confirmed that one explosion occurred at the Hamid Karzai International Airport.

(2) The explosion was confirmed to be a suicide bombing by ISIS-K terrorist group.

(3) Estimates as high as 200 deaths were reported, including 13 service members of the United States, as well as hundreds more wounded.

(4) The attack on Thursday, August 26, 2021 at the Hamid Karzai International Airport in Kabul, Afghanistan, killed 13 United States service members, making it the deadliest single day of the war for the United States in more than a decade.

(5) The American service members went above and beyond the call of duty to protect citizens of the United States and our allies to ensure they are brought to safety in an extremely dangerous situation as the Taliban regained control over Afghanistan.

(6) The American service members exemplified extreme bravery and valor against armed enemy combatants.

(7) The American service members dedicated their lives and their heroism deserves great honor.

(8) Maxton Soviak, Kareem Nikoui, David Espinoza, Rylee McCollum, Jared Schmitz, Hunter Lopez, Taylor Hoover, Daegan William-Tyler Page, Nicole Gee, Humberto Sanchez, Dylan Merola, Johanny Rosario Pichardo, and Ryan Knauss have been identified as the 13 service members who died from the blast while stationed at Hamid Karzai International Airport.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATIONS AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the posthumous presentation, on behalf of Congress, of a single gold medal of appropriate design in commemoration of the 13 service members who perished as a result of the attack in Afghanistan, on August 26, 2021.

(2) DESIGN AND STRIKING.—For purposes of the presentation referred to in paragraph (1), the Secretary of the Treasury (referred to in this section as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—Following the award of the gold medal under paragraph (1), the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution shall make the gold medal received under paragraph (1) available for display outside of the District of Columbia at times, particularly at other locations associated with the 13 service members who perished in Afghanistan on August 26, 2021.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

(d) STATUS OF MEDALS.—

(1) NATIONAL MEDALS.—The medal struck pursuant to this section is a national medal for purposes of chapter 51 of title 31, United States Code.

(2) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this section shall be considered to be numismatic items.

(e) AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.—

(1) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this section.

(2) PROCEEDS OF SALE.—The amounts received from the sale of duplicate bronze medals authorized under subsection (c) shall be deposited into the United States Mint Public Enterprise Fund.

SA 4724. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. REPORT ON CYBERSECURITY CERTIFICATIONS AND LABELING.

Not later than October 1, 2022, the National Cyber Director, in consultation with the Director of the National Institute of Standards and Technology, the Chairman of the Federal Trade Commission, and the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) identifies and assesses existing efforts by the Federal Government to create, administer, or otherwise support the use of certifications or labels to communicate the security or security characteristics of information technology or operational technology products and services; and

(2) assesses the viability of and need for a new program at the Department of Homeland Security, or at other Federal agencies as appropriate, to better address information technology and operational technology product and service security certification and labeling efforts across the Federal Government and between the Federal Government and the private sector.

SA 4725. Ms. CORTEZ MASTO (for herself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____, IMPROVING IRAQ & AFGHANISTAN SERVICE GRANT AND CHILDREN OF FALLEN HEROES GRANT.

(a) TECHNICAL AMENDMENT RELATING TO IRAQ AND AFGHANISTAN SERVICE GRANT AND

CHILDREN OF FALLEN HEROES GRANT.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116-260), is amended—

- (I) in section 401—
- (A) in subsection (c)—
- (i) in paragraph (2)—
- (I) by striking subparagraph (A); and
- (II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
- (ii) in paragraph (3)(A), by striking “(2)(B)(i)” and inserting “(2)(A)(i)”;
- (iii) by redesignating paragraph (5) as paragraph (7); and
- (iv) by inserting after paragraph (4) the following:

“(5) PREVENTION OF DOUBLE BENEFITS.—No eligible student described in paragraph (2) may concurrently receive a grant under both this subsection and subsection (b).

“(6) TERMS AND CONDITIONS.—The Secretary shall award grants under this subsection in the same manner and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under subsection (b), except that—

“(A) the award rules and determination of need applicable to the calculation of Federal Pell Grants under subsection (b)(1) shall not apply to grants made under this subsection; and

“(B) the maximum period determined under subsection (d)(5) shall be determined by including all grants made under this section received by the eligible student and all grants so received under subpart 10 before the effective date of this subsection.”; and

(2) by striking section 420R (20 U.S.C. 1070h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116-260) and subject to the effective date of section 701(b) of such Act.

(c) TRANSITION.—The Secretary shall take such steps as are necessary to transition from the Iraq and Afghanistan Service Grant program under subpart 10 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070h), as in effect on the day before the effective date of this section, and the provision of Federal Pell Grants under section 401(c) of the Higher Education Act of 1965 (20 U.S.C. 1070a(c)), as amended by the FAFSA Simplification Act and this Act.

SA 4726. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE

SEC. 5001. SHORT TITLE.

This division may be cited as the “Defense of United States Infrastructure Act of 2021”.

SEC. 5002. DEFINITIONS.

In this division:

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning

given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) **CYBERSECURITY RISK.**—The term “cybersecurity risk” has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(3) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

TITLE LI—INVESTING IN CYBER RESILIENCY IN CRITICAL INFRASTRUCTURE

SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE.

(a) **AMENDMENTS.**—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (11), by striking “and” at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking “section 2215” and inserting “section 2217”; and

(ii) by striking “and” at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(3) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(4) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(5) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(6) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(7) by adding at the end the following:

“SEC. 2220A. NATIONAL RISK MANAGEMENT CYCLE.

“(a) **NATIONAL CRITICAL FUNCTIONS DEFINED.**—In this section, the term “national critical functions” means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

“(b) **NATIONAL RISK MANAGEMENT CYCLE.**—

“(1) **RISK IDENTIFICATION AND ASSESSMENT.**—

“(A) **IN GENERAL.**—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

“(B) **CONSULTATION.**—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

“(C) **PUBLICATION.**—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

“(D) **REPORT.**—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of

the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

“(i) not later than 1 year after the date of enactment of this section; and

“(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

“(2) **NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

“(B) **ELEMENTS.**—Each strategy delivered under subparagraph (A) shall—

“(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

“(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

“(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

“(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

“(v) request any additional authorities necessary to successfully execute the strategy.

“(C) **FORM.**—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

“(3) **CONGRESSIONAL BRIEFING.**—Not later than 1 year after the date on which the President delivers a strategy under this section, and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate committees of Congress on—

“(A) the national risk management cycle activities undertaken pursuant to the strategy; and

“(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint Cyber Planning Office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity education and training programs.